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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,658

10/24/2003

Jean-Francois Garin

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7590

11/27/2006

CLARK & BRODY

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WASHINGTON, DC 20005

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,658

Applicant(s)

GARIN ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to ~~communication(s) filed on~~ the tele. interview of November 21, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) 3, 6 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 11/22/06.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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The following Office action is in response to the Applicant's inquiry concerning the rejection of claims 1, 2, 4, 5, 7, 10 and 11 based on Freitag (US 2,585,645) in view of Ootsuka et al. (US 2003/0103023). Upon reviewing the previous Office action the examiner has determined that the rejection of claims 1, 2, 4, 5, 7, 10 and 11 was not clear. Accordingly, the following Supplement Office action has been prepared in order to avoid any confusion concerning the rejection of claims 1, 2, 4, 5, 7, 10 and 11 based on Freitag (US 2,585,645) and Ootsuka et al. (US 2003/0103023). The Applicant's time period for reply has not been reset and continues to run from the mailing of the previous Office action on November 1, 2006.

Election/Restrictions

Applicant's election of Group I in the reply filed on October 28, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 3, 6 and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on October 28, 2005.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

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Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

Claims 1, 2, 4, 5, 7, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Recitations such as "a door chassis" on lines 1-2 of claim 1 render the claims indefinite because it is unclear if the door chassis is part of the automated machine or in addition to the automated machine. If the latter is not the case, it would appear that the applicant is claiming the combination of a door and a door frame. Recitations such as "at least one mobile panel" on lines 2-3 of claim 1 render the claims indefinite because it is unclear if the mobile panel comprises part of the door or is in addition to the door. Recitations such as "a means for displacing the reception structure" on line 9 of claim 1 render the claims indefinite because it is unclear how the guide means and the means for displacing the reception structure differ. It would appear that the guide means and the displacement means are the same. Recitations such as "the open position of the opening" on lines 5-6 of claim 7 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How does the opening have an open position? It would appear that the panels have the open position rather than the opening.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Sarkinen et al. (US 2003/0039094). Sarkinen et al. discloses a door 14 for an automated machine, comprising a door chassis 12 delimiting an opening (not specifically numbered but shown in figure 2 and defined by 21, 23 and 25) and equipped with guide means 62 for the movement of at least one mobile panel 44 between a closed position in which a façade of the mobile panel at least partly closes the opening as shown in figure 1 and an open position as shown in figure 3 in which the mobile panel is located laterally with respect to the opening wherein the mobile panel comprises: a reception structure 48 and a man-machine interface 32 mounted to the reception structure, a façade of the man machine interface accessible when the mobile panel is in the closed position, and a means 54, 56 for displacing the reception structure assuring that when the mobile panel is in the open position, the façade of the man-machine interface is positioned so that an operator in position in front of the opening can access the opening and the man-machine interface at the same time, wherein the man-machine interface includes one or more of machine instrumentation and control means as set forth on lines 5-9 of paragraph 42, the reception structure displacement means 54, 56 comprise means for sliding and pivoting the mobile panel 44 since the means 54 and 56 guide the panel 44 as it moves laterally with respect to the opening and pivots with respect to the opening.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarkinen et al. as applied to claims 1 and 2 above. Sarkinen et al. discloses pivoting the panel 44 to an angle equal to approximately 30 degrees as shown in figure 7, but is silent concerning pivoting the panel 44 to an angle of between 40 and 135 degrees.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the means for displacing the reception structure with the ability to pivot the panel 44 to an angle of between 40 and 135 degrees to enable a user to more easily view both the man-machine interface and access the opening at the same time.

Claims 1, 2, 4, 5, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freitag (US 2,585,645) in view of Ootsuka et al. (US 2003/0103023). Freitag discloses a door 12, 13 for an automated machine 10, comprising a door

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chassis (not numbered, but shown in figure 1) delimiting an opening 11 and equipped with guide means 17 for the movement of at least one mobile panel 12, 13, between a closed position in which a facade of the mobile panel at least partly closes the opening as shown in figure 2 and an open position in which the mobile panel is located laterally with respect to the opening as shown in figure 1, and a means 15, 16 for displacing the reception structure assuring that when the mobile panel is in the open position, an outward face of the door 12, 13 is positioned so that an operator in position in front of the opening 11 can access the opening and the outward face of the door 12, 13 as shown in figure 1. The mobile panel 12, 13 comprises first 13 and second 12 mobile panels, and the reception structure displacement means comprises at least one support and guide rail 17 for at least one roller device 16 fitted on the first mobile panel 13 hinged to the second mobile panel 12 hinged on the chassis, the mobile panels being intended to fold in contact with each other in the open position of the opening. Freitag is silent concerning a reception structure and a man-machine interface.

However, Ootsuka et al. discloses a reception structure 4 and a man-machine interface 10 mounted to the reception structure, a facade of the man-machine interface accessible when the mobile panel is in the closed position, the man-machine interface includes control means 201.

It would have been obvious to one of ordinary skill in the art to provide Freitag with a reception structure and man-machine interface, as taught by Ootsuka et al., to enable a user to monitor which items are stored in the automated machine.

Response to Arguments

Applicant's arguments filed August 7, 2006 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
November 22, 2006